

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KELLIE ABNEY, et al.,

Plaintiffs,

v.

Case No. 04-4012-RDR

TELETECH HOLDINGS,  
INC. et al.,

Defendants.

**ORDER**

This case comes before the court on the motion of Matthew R. O'Connor to withdraw as counsel for defendant TeleTech Customer Care Management (Telecommunications), Inc., Teletech Holdings Inc., and Teletech Services Corporation (Doc. 577).

D. Kan. Rule 83.5.5 governing withdrawal of counsel provides in part:

An attorney seeking to withdraw must file and serve a motion to withdraw on all counsel of record, and **provide a proposed order for the court.** In addition, the motion must be served either personally or by certified mail, restricted delivery, with return receipt requested on the withdrawing attorney's client. **Proof of personal service or the certified mail receipt, signed by the client, or a showing satisfactory to the court that the signature of the client could not be obtained, shall be filed with the clerk.** (Emphasis added.)

Mr. O'Connor's motion states that Mr. O'Connor left his position at his law firm on November 26, 2004, and is no longer involved in the case. However, neither proof of personal service nor the certified mail receipt signed by defendant's representative was filed with the clerk. Furthermore, a proposed order was not provided to the undersigned as

required by D. Kan. Rule 5.4.4.<sup>1</sup> Therefore, the court finds Mr. O'Connor has not substantially complied with D. Kan. Rules 83.5.5 and 5.4.4. However, in the interest of judicial efficiency, and given the fact that defendants appear to have retained new counsel on this case since late 2005,<sup>2</sup> the court finds good cause exists to grant Mr. O'Connor's motion despite its numerous deficiencies. Accordingly,

**IT IS ORDERED** that Mr. O'Connor's motion to withdraw (Doc. 577) is granted.

**IT IS SO ORDERED.**

Dated this 27<sup>th</sup> day of March, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge

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<sup>1</sup> D. Kan. Rule 5.4.4 states as follows: “[a] Filing User shall not submit a proposed order ... by electronic filing, either as an attachment to a corresponding motion or otherwise. Rather, proposed orders shall be submitted directly to the appropriate judge, magistrate judge, or clerk in the form and manner set forth in the administrative procedures guide.”

<sup>2</sup>The court notes that on December 21, 2005, Deena Jenab filed a Notice of Withdrawal and Entry of Appearance, substituting Ms. Jenab and the law firm of Blackwell Sanders Peper Martin for Mr. O'Connor's former law firm, Polsinelli Shalton Welte Suelthaus. *See* Doc. 573.